

David Stone

From: David Stone
Sent: Tuesday, December 31, 2013 1:36 PM
To: Kurt C. Kern; Aubrey "Nick" Pittman (pittman@thepittmanlawfirm.com); dwashington@dwashlawfirm.com
Cc: Jude T. Hickland; Brian E. Mason; Pat Fitzgerald (pfitzgerald@howrybreen.com); John Carlson (jcarlson@howrybreen.com); Randy Howry (rhowry@howrybreen.com); Don Dawson; Kathleen Clark (kathleen@dawson-clark.com); todd.parks@wbclawfirm.com; Ashley.delaCerde@wbclawfirm.com; Scott W. Self (sself@feesmith.com); jkenefick@macdonalddevin.com; jhenderson@macdonalddevin.com; Kim Weiner
Subject: RE: Greene v. Toyota - Requested Vehicle Inspections

Nick, the 4Runner and Volvo tractor used in the crash test can be inspected in Phoenix on Friday, January 3.. The trailer that was used was leased and is back in the possession of its owner. If your "rebuttal experts" want to see it, let me know and I will see what can be arranged.

I am checking on the subject Volvo tractor and the exemplar 4Runner used by Mr. Carr. Those are in Houston. I don't believe any of the other exemplar 4Runners used by our experts are still in their possession.

Please let me know when you wish to have these inspections done and who will be there.

David P. Stone
Partner
Bowman and Brooke LLP
2501 North Harwood
Suite1700
Dallas, TX 75201
Main: (972) 616-1700
Direct: (972) 616-1733
Fax: (972) 616-1701
Email: David.Stone@BowmanandBrooke.com
www.bowmanandbrooke.com

From: Kurt C. Kern
Sent: Tuesday, December 31, 2013 1:08 AM
To: Aubrey "Nick" Pittman (pittman@thepittmanlawfirm.com); dwashington@dwashlawfirm.com
Cc: David Stone; Jude T. Hickland; Brian E. Mason; Pat Fitzgerald (pfitzgerald@howrybreen.com); John Carlson (jcarlson@howrybreen.com); Randy Howry (rhowry@howrybreen.com); Don Dawson; Kathleen Clark (kathleen@dawson-clark.com); todd.parks@wbclawfirm.com; Ashley.delaCerde@wbclawfirm.com; Scott W. Self (sself@feesmith.com); jkenefick@macdonalddevin.com; jhenderson@macdonalddevin.com
Subject: Greene v. Toyota - Requested Vehicle Inspections

Nick:

I just saw your request to conduct multiple vehicle inspections, including those of the crash tested vehicles, in advance of the deadline for rebuttal reports this Friday (even though you've had our expert reports for 10 days). Although tomorrow is New Year's Day we'll do what we can to accommodate your request. The crash tested vehicles are in Phoenix and the Volvo tractor and exemplar vehicles are in Houston. I'll contact our consultants regarding coordinating your inspections and once I'm able to communicate with them, given the Holidays, I'll let you know the available logistical options. I wish you hadn't waited so long to make this request. Again, setting aside the adversarial process that is our profession, Happy New Years.

David Stone

From: David Stone
Sent: Thursday, January 02, 2014 3:28 PM
To: Kurt C. Kern; Aubrey "Nick" Pittman (pittman@thepittmanlawfirm.com);
dwashington@dwashlawfirm.com
Cc: Jude T. Hickland; Brian E. Mason; Kim Weiner
Subject: RE: Vehicle Inspections

Nick, we have still not heard from you about whether you want to inspect the Volvo and 4Runner used in the crash test in Phoenix and/or the subject Volvo tractor and exemplar 4Runner in Houston tomorrow, January 3. If you want to inspect at either or both of these location tomorrow, I need to know by 4 pm today. Otherwise, I will have to release that date.

David P. Stone
Partner
Bowman and Brooke LLP
2501 North Harwood
Suite1700
Dallas, TX 75201
Main: (972) 616-1700
Direct: (972) 616-1733
Fax: (972) 616-1701
Email: David.Stone@BowmanandBrooke.com
www.bowmanandbrooke.com

From: Kurt C. Kern
Sent: Tuesday, December 31, 2013 6:23 PM
To: Aubrey "Nick" Pittman (pittman@thepittmanlawfirm.com); dwashington@dwashlawfirm.com
Cc: David Stone; Jude T. Hickland; Brian E. Mason; Kim Weiner
Subject: Vehicle Inspections

Nick:

I'm not sure if it got communicated to you, but further to my e-mail of very early this morning, we've confirmed that the crash test vehicles in Phoenix and the exemplar vehicles in Houston are available for inspection on Friday, January 3rd. Please let me know if you and/or your experts want to inspect the various vehicles that day and I will supply you with the logistics regarding such inspections. Happy New Year.

Kurt

Kurt Christopher Kern
Bowman and Brooke LLP
2501 North Harwood Street, Suite 1700
Dallas, Texas 75201
Direct: 972.616.1711
Fax: 972.616.1701
KKern@BowmanandBrooke.com



The Pittman Law Firm, P.C.

ATTORNEYS AT LAW

AUBREY "NICK" PITTMAN
DIRECT DIAL (214) 459-3325

December 30 2013

VIA FACSIMILE

David Stone
Kurt Kern
BOWMAN AND BROOKE, LLP
2501 North Harwood St., Suite 1700
Dallas, Texas 75201

Pat Fitzgerald
Randy Howry
HOWRY BREEN & HERMAN, L.L.P.
1900 Pearl Street
Austin, Texas 78705-5408

S. Todd Parks
Ashley E de la Cerdá
WALTERS, BALIDO & CRAIN, L.L.P.
900 Jackson Street, Suite 600
Dallas, Texas 75202

John S. Kenefick
MACDONALD DEVIN, P.C.
3800 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270

Scott W. Self
FEE, SMITH, SHARP & VITULLO, LLP
Three Galleria Tower
13155 Noel Road, Suite 1000
Dallas, Texas 752440

Kathleen A. Clark
Don Dawson
DAWSON & CLARK, P.C.
243 West Congress, 600 Marquette Bldg.
Detroit MI 48266-6243

**RE: *Ollie Greene, et al v. Toyota Motor Corporation et al*; Cause No. 3:11-cv-00207-N
in the United States District Court for the Northern District of Texas, Dallas
Division.**

Dear Counsel:

As you know, disclosure of rebuttal experts and opinions is quickly approaching. Plaintiffs' potential rebuttal experts have indicated that they would like to inspect the exemplar vehicles used by your experts, the crash test vehicles (e.g. bullet, target, and trailer) used by your experts and the Volvo tractor that was involved in the May 28, 2010 incident. Please confirm that the experts can inspect these items this week in order to use their inspections in their rebuttal opinions.

We look forward to receiving your prompt response.

Sincerely,

Aubrey "Nick" Pittman

The Pittman Law Firm, P.C.

100 Crescent Court, Suite 700 • Dallas, Texas 75201 • 214-459-3454 tel • 214-853-5912 fax
Dallas • Houston • www.thepittmanlawfirm.com

David Stone

From: Kurt C. Kern
Sent: Monday, January 06, 2014 3:02 PM
To: Aubrey "Nick" Pittman; David Stone; Daryl Washington
Cc: Jude T. Hickland; Brian E. Mason; Kim Weiner; jcarlson@howrybreen.com; Pat Fitzgerald; rhowry@howrybreen.com; todd.parks@wbclawfirm.com; Don Dawson; kathleen@dawson-clark.com; jkenefick@macdonalddevin.com; JHenderson@macdonalddevin.com; sself@feesmith.com
Subject: RE: Vehicle Inspections

Follow Up Flag: Follow up
Flag Status: Flagged

Counsel:

I've talked to my consultants regarding vehicle inspection logistics and we remain on full standby regarding your requested inspections. We continue to be available for dates indicated in my e-mail below, but if you want to do the inspection in Phoenix on Wednesday the logistics dictate that I would need your confirmation by 5 PM today in order to coordinate same. If you want to do the inspections in Houston on Wednesday that is easier to coordinate and I wouldn't need to know until noon tomorrow if you wanted that inspection on Wednesday. If you want to do inspections on Thursday or Friday, I would need to know by noon on Wednesday. Let me know your preferences at your earliest opportunity.

Kurt

From: Kurt C. Kern
Sent: Monday, January 06, 2014 11:45 AM
To: 'Aubrey "Nick" Pittman'; David Stone; Daryl Washington
Cc: Jude T. Hickland; Brian E. Mason; Kim Weiner; jcarlson@howrybreen.com; Pat Fitzgerald; rhowry@howrybreen.com; todd.parks@wbclawfirm.com; Don Dawson; kathleen@dawson-clark.com; jkenefick@macdonalddevin.com; JHenderson@macdonalddevin.com; sself@feesmith.com
Subject: RE: Vehicle Inspections

Counsel:

I'm still waiting to hear back from my various consultants on several issues, including the physical logistics for the inspections (i.e. location, time, etc.), but further to my e-mail of very early this morning I can confirm that the subject Volvo tractor and 2010 exemplar Toyota 4Runner used by Carr Engineering are both available for inspection in Northwest Houston on either Wednesday, Thursday or Friday of this week as requested. The crash tested 2010 4Runner and Volvo tractor are available for inspection on Wednesday and Friday of this week in Northwest Phoenix. Please let me know as soon as possible which vehicle inspections you would like to do when, as obviously I'll need to coordinate staffing and logistics for same. Also, please advise who will attend the inspections.

Kurt

From: Aubrey "Nick" Pittman [<mailto:pittman@thepittmanlawfirm.com>]
Sent: Sunday, January 05, 2014 7:55 PM
To: Kurt C. Kern; David Stone; Daryl Washington
Cc: Jude T. Hickland; Brian E. Mason; Kim Weiner; jcarlson@howrybreen.com; Pat Fitzgerald; rhowry@howrybreen.com; todd.parks@wbclawfirm.com; Don Dawson; kathleen@dawson-clark.com; jkenefick@macdonalddevin.com;

Subject: Re: Vehicle Inspections

Counsel:

Would you please confirm that Wednesday, Thursday and Friday of this week are convenient dates for inspection of the crash tested and exemplar vehicles, as well as the Volvo tractor?

From: [Kurt C. Kern](#)

Sent: Friday, January 03, 2014 4:57 PM

To: [Aubrey "Nick" Pittman](#) ; [David Stone](#) ; [Daryl Washington](#)

Cc: [Jude T. Hickland](#) ; [Brian E. Mason](#) ; [Kim Weiner](#) ; jcarlson@howrybreen.com ; [Pat Fitzgerald](#) ; rhowry@howrybreen.com ; todd.parks@wbclawfirm.com ; [Don Dawson](#) ; kathleen@dawson-clark.com ; jkenefick@macdonalddevin.com ; JHenderson@macdonalddevin.com ; sself@feesmith.com

Subject: RE: Vehicle Inspections

Nick:

I just spoke to David and understand y'all conferred, but we're unable to agree on Defendants' proposal. I suppose it depends on the Court's rulings now with regard to your requested extension of rebuttal reports, but please let us know as soon as possible if you are still requesting access to the various crash tested and exemplar vehicles and if so, exactly what dates you are requesting. As for the expert deposition dates I'm sure we'll cover those at the Meet and Confer on Tuesday. Have a nice weekend.

Kurt